

February 22, 2022

VIA FOIA ONLINE

U.S. Environmental Protection Agency

Re: Freedom of Information Act Fee Waiver Request

Dear FOIA Officer:

On behalf of Patricia Charles, Carolyn Peters, Raphael Sias, Ronald Carrier, Larry Allison, Karl Prater, McKeever Edwards, Stafford Frank, and Peggy Anthony (collectively, “Mossville Residents”), and in connection with the accompanying Freedom of Information Act request, we request a fee waiver as detailed by 40 CFR § 2.107(I). This request is in the public interest. It is likely to contribute significantly to public understanding of the operations or activities of the government, namely, EPA, and is not primarily in the commercial interest of the requesters. As outlined below, this request meets each of the six factors that EPA considers for fee waivers.

First, the subject of the request concerns “the operations or activities of the government.” 40 CFR § 2.107(I)(2)(i). The requested information concerns the method by which the EPA, a governmental agency, reviews and accepts data regarding emissions of carcinogenic pollutants.

Second, the disclosure of the requested information is “likely to contribute” to the understanding of government operations or activities. 40 CFR § 2.107(I)(2)(ii). The information requested will shed light on the method by which the EPA, a governmental agency, reviews reported emissions reductions of a carcinogenic pollutant. The requested information will reveal how the EPA engaged with the permittee and the state agency in its review of the Ethylene Oxide emissions reductions submitted by Sasol Chemicals.

Third, the disclosure will contribute to the understanding “of a reasonably broad audience of persons interested in the subject.” 40 CFR § 2.107(I)(2)(iii). The information requested relates to the EPA’s review of emissions reductions of a carcinogenic pollutant that will have long-term effects on the residents of Mossville and the surrounding Lake Charles area. While the requesters are only a few members of the broader public with an interest in this information, other residents of Mossville and the surrounding area, and likely many who reside near a facility that emits ethylene oxide, would be interested to learn the requested information. Indeed, EPA Region 6’s community meetings conducted in August and September of 2021 regarding ethylene oxide emissions in several states reflect EPA’s understanding that a reasonably broad audience is interested in this information. Further, on behalf of the requesters, the undersigned will post the EPA FOIA results on the Tulane Environmental Law Clinic page on the Tulane Law School website.

Fourth, the disclosure will contribute “significantly” to public understanding of government operations or activities. 40 CFR § 2.107(I)(2)(iv). The public’s understanding of the EPA’s review of ethylene oxide emissions reductions submitted by Sasol will be significantly

enhanced by disclosure of the requested information. Currently, there is very little, if any, information available to the public detailing the method by which the EPA engaged on the issue of emissions reductions submitted by Sasol. Disclosure of the requested information would provide significantly more insight into EPA's review process than the information currently accessible by the requesters.

Fifth, the Mossville Residents have no commercial interest in the requested information. 40 CFR § 2.107(I)(3)(i). The Mossville Residents merely seek to gather information that affects their health and environment.

Sixth, as the Mossville Residents have no commercial interest in the requested information, and as the public interest standard has been satisfied, the "public interest is greater in magnitude than that of any identified commercial interest in disclosure." 40 CFR § 2.107(I)(3)(ii).

For the foregoing reasons, we respectfully request a fee waiver for the accompanying Freedom of Information Act request

Thank you.

Prepared by:

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